

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on April 20, 2006. At the time the Examiner mailed the Office Action claims 11-17, 19-35, and 37-44 were pending. By way of the present response the Applicants have: 1) amended claims 11, 13, 22, and 29; 2) added no new claims; and 3) canceled no claims. As such, claims 11-17, 19-35, and 37-44 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### **Claim Rejections**

#### **35 U.S.C. 101**

The Office Action rejected claims 29-39 under 35 USC 101 as being directed to non-statutory subject matter. While Applicants disagree with this rejection, Applicants have amended the claim to include only physical mediums to further prosecution of the present application.

#### **35 U.S.C. 112**

The Office Action rejected claims 13, 22, and 29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claim 13 in a non-narrowing manner to clarify what Applicants are claiming.

Applicants have amended claim 22 in a non-narrowing manner to clarify what Applicants are claiming.

Applicants have amended claim 29 in a non-narrowing manner to clarify what Applicants are claiming.

35 U.S.C. §102(e)

The Office Action rejected claims 40-44 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,286,047 (hereinafter “Ramanathan”).

Ramanathan describes a “discovery process for enabling automated detection of service elements and/or services that are utilized by a specific network to provide a particular service.” (Ramanathan, col. 5, lines 59-62.) This discovery process is broken down into two phases. (Ramanathan, see, for example, abstract; col. 6, line 22 to col. 8 line 3; col. 9, line 25 to col. 31, line 17.) “In the first phase, the services and service elements are detected, as well as a first set of dependencies. The second phase is based on results of the first phase and is focused upon detecting inter-service dependencies, i.e., conditions in which proper operation of one service relies upon at least one other service.” (Ramanathan, abstract.) The “first phase of discovery is performed from a management station.” (Ramanathan, col. 25, lines 32-33.) Furthermore, Ramanathan uses a service model instance to “map[] services and service elements that exist in a particular ISP system.” (Ramanathan, col. 9, lines 12-14.) This service model instance can then be represented “as a graph of nodes and edges that identify dependencies of the nodes.” (Ramanathan, col. 9, lines 20-22.)

With respect to claim 40, Ramanathan does not describe what Applicant's claim requires. Specifically, Ramanathan does not at least describe:

A method comprising:  
defining one or more logical hierarchical relationships between a plurality components on a network including one or more associations, dependencies and/or prerequisites, said logical hierarchical relationships providing information related to network operations; and  
executing a simulation of said network operations based on said hierarchical relationships between said components.

As discussed above, Ramanathan simply discovers services and relationships between services but Ramanathan does not simulate network operations. Accordingly, Ramanathan does not describe what Applicant's claim 40 requires.

35 U.S.C. §103(a)

The Office Action rejected claims 11-17, 19-21, and 29-39 under 35 U.S.C. §103(a) as being unpatentable over Ramanathan, in view of Grau et al., U.S. Patent 5,910,803 (hereinafter "Grau").

Grau describes a "network mapping tool" for organizing and displaying the topology data of an internetwork computing system. (Grau, Abstract.) Grau describes the tool according to "client/server" approach to developing a network map. (Grau, col. 4, lines 1-7.) The client (management console node 300) "is responsible for interacting with the user" and the server (management server node 200) "perform[s] services as directed by the" management console node 300. (Grau, col. 4, lines 1-7.) The "tool" organizes and displays topology data as a

hierarchical collection of network maps, i.e., a network atlas” where “each map of the atlas shows a portion of the computing system as a collection of network nodes” where the nodes are “router and network segments.” (Grau, col. 4, lines 7-12.) The management console 300 includes a “window manager” that “manag[es] the windows that the user views during the operation of an application program.” (Grau, col. 4, lines 61-67.)

With respect to claims 11 and 29, Ramanathan does not describe what Applicant’s claim requires. Specifically, Ramanathan does not at least describe:

A method comprising:  
logically grouping a plurality of components at a data center into a single meta-server;  
defining one or more hierarchical relationships between each of said components including one or more associations, dependencies and/or prerequisites, said hierarchical relationships providing information related to network operations at said data center; and  
using said information for one or more network management functions at said data center, wherein one of said network management functions is to initialize one or more of said system components at said data center and said defined hierarchical relationships between each of said system components is used to determine an appropriate order in which to initialize said one or more components.

Ramanathan simply discovers services and relationships between services. While this discovery (or at least a portion of it) is performed by a so-called “management station,” no network management functions are performed. Ramanathan does describe creating “a graph of nodes and edges that identify dependencies of the nodes” but does not allow these nodes to be managed. Ramanathan cannot “initialize” anything – it simply discovers services and

relationships and displays them graphically. While Grau describes managing the “windows” that an end-user sees to illustrate the “atlas,” Grau does not describe performing management functions with respect to the nodes of the network. The combination of Ramanathan and Grau would be a system in which a management station performs at least a portion of service discovery operations and uses a tool to organize and display the topology data as a hierarchical collection of network maps. However, the combination does not at least describe performing network management functions “wherein one of said network management functions is to initialize one or more of said system components at said data center and said defined hierarchical relationships between each of said system components is used to determine an appropriate order in which to initialize said one or more components.”

Accordingly, the combination of Ramanathan and Grau does not describe what Applicant’s claim 11 or 29 requires.

The Office Action rejected claims 22-28 under 35 U.S.C. §103(a) as being unpatentable over Ramanathan in view of U.S. Patent Application Publication 2001/0052013 (hereinafter “Munguia”) and further in view of Grau.

Munguia describes an ONM tool. (Munguia, paragraph 0081.) The ONM tool “implements an ONM domain server which is one component part of a back-end MCI intranet.” (Munguia, paragraph 0081.) The ONM tool provides customers “with the ability to request, specify, receive and view data pertaining to their Vnet network management assets, e.g., Vnet number routing plans, calling card inventories, etc.,

and to generate orders for changing aspects of the Vnet routing plans via a World Wide Web interface.” (Munguia, paragraph 0018.)

With respect to claim 22, the combination of Ramanathan, Munguia, and Grau does not describe what Applicant’s claim requires. Specifically, the combination does not at least describe:

- A meta-server comprising:
  - a plurality of front end Web servers to process client requests for Web pages;
  - a plurality of back-end servers to perform various back-end processing functions associated with said client requests;
  - a controller to define one or more logical hierarchical relationships between each of said components including one or more associations, dependencies and/or prerequisites, said hierarchical relationships providing information related to network operations at said data center and to use said information for one or more network management functions at said meta-server, wherein one of said network management functions is to initialize one or more of said system components at said data center and said defined hierarchical relationships between each of said system components is used to determine an appropriate order in which to initialize said one or more components.

As discussed above, Ramanathan simply discovers services and relationships between services. While this discovery (or at least a portion of it) is performed by a so-called “management station,” no network management functions are performed. Ramanathan does describe creating “a graph of nodes and edges that identify dependencies of the nodes” but does not allow these nodes to be managed. Munguia describes altering “network calling” attributes. The “tool” of Grau organizes and displays topology data as a hierarchical collection of network maps, i.e., a network atlas” where “each map of the atlas shows a portion of the

computing system as a collection of network nodes” where the nodes are “router and network segments.” (Grau, col. 4, lines 7-12.) The combination of Ramanathan, Munguia, and Grau would be a system in which a management station performs at least a portion of service discovery operations and uses a tool to organize and display the topology data as a hierarchical collection of network maps. However, the combination does not at least describe performing network management functions “wherein one of said network management functions is to initialize one or more of said system components at said data center and said defined hierarchical relationships between each of said system components is used to determine an appropriate order in which to initialize said one or more components.”

As the remaining claims are dependent upon claims 11, 22, 29, and 40, they are allowable for at least the same rationale.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

## CONCLUSION

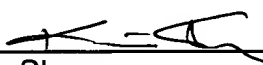
For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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